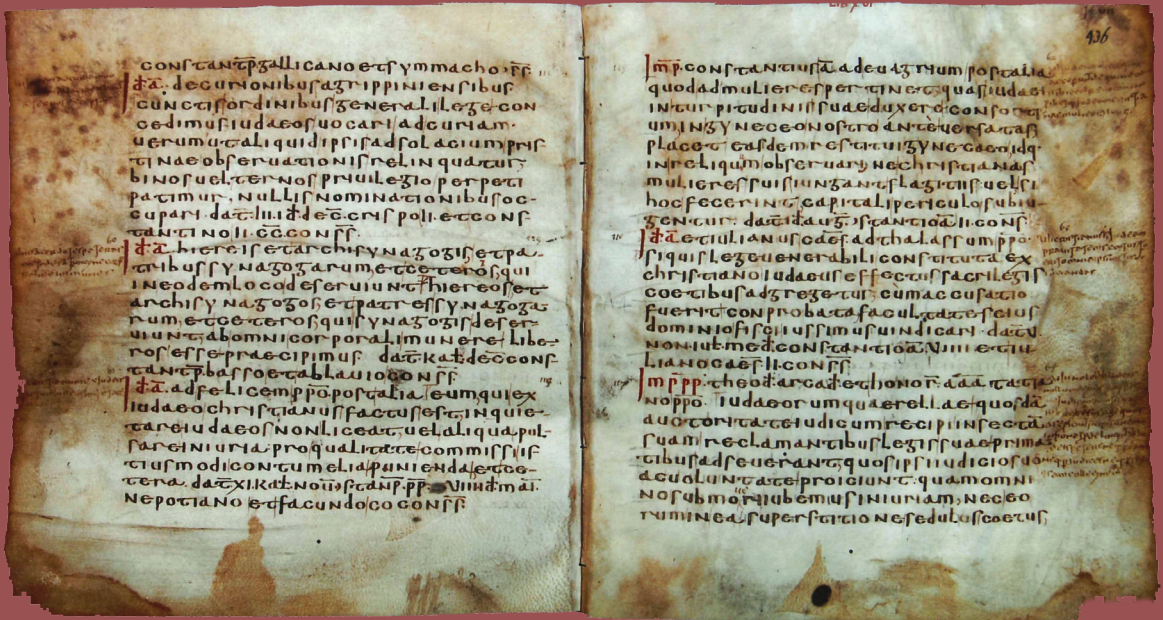


The Decree of 321: Cologne, the Emperor and Jewish History



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Foreword



Milena Karabaic, Foto: Heike Fischer/LVR



Dr. Thomas Otten, Foto: Sharon Nathan/LVR

Dear readers and friends of the MiQua,

In 321, the Roman emperor Constantine issued a far-reaching decree in response to a request from Cologne: in the future it would be possible to appoint Jews to the city's governing body, or curia, and so to public office. This decree is the earliest surviving document indicating the existence of a Jewish community north of the Alps. 2021 will therefore be an anniversary year, looking back at 1700 years of Jewish life in Germany. To celebrate this long history, numerous events have been planned throughout the country.

The future MiQua, the LVR-Jewish Museum in the Archaeological Quarter of Cologne, has a central position in this national anniversary year as it will be telling the story of 2000 years of Cologne's history, and thus also the history of the Jews who have lived here. The Jewish community has been part of Germany's society and German history since 321 and their history includes displacement and marginalisation, pogroms and murder.

As part of the Rhineland Regional Council, we see it as our duty to help shape this anniversary year, sparking cultural, political and interfaith dialogue within our society and sending out a clear signal against rising anti-Semitism.

What better way to do this than to share the LVR's activities in this direction with the general public? With the establishment of the MiQua, currently being constructed on Cologne's town hall square, and the small but active LVR CULTURAL CENTRE - Rödingen Village Synagogue, we aim to raise awareness of 1700 years of continuity of Jewish life in the city of Cologne, in rural areas and in Germany as a whole. The MiQua will take part in a wide range of events throughout the anniversary year. These include an exhibition in Cologne entitled „1700 Years of Jewish Life in Germany“, a touring exhibition at various venues in the Rhineland and North Rhine-Westphalia, an academic symposium, a public lecture series and seminars con-

ducted at the universities of Cologne, Heidelberg and Frankfurt.

It therefore seemed appropriate to provide a brief introduction to the historical context surrounding the decree from 321, which will serve as an initial guide for all those interested in understanding this unique source. This publication reflects the current status of research on Judaism north of the Alps in the first millennium and explains the meaning of the Theodosian Code (Latin: Codex Theodosianus), a late antique compilation of laws from the early 5th century. It also presents the decree against the backdrop of the religious situation in the Roman Empire before Constantine. Interpretations based on archaeological and historical sources are included.

We wish you an enjoyable read and hope this brochure will leave you eagerly anticipating the wide variety of events organized for the anniversary year.

Milena Karabaic

Head of LVR-Department of Culture and Regional Cultural Heritage



Dr. Thomas Otten

Director MiQua. LVR-Jewish Museum in the Archaeological Quarter



Emperor Constantine's decree

In the early 4th century, Cologne, the capital of the small Roman province of Lower Germania, attracted the attention of the Roman emperor Constantine. The members of the governing body of the Roman colony Colonia Claudia Ara Agrippinensium had appealed to the emperor about an administrative matter, and it appears he dealt with the issue promptly. In response to their appeal, he issued a decree that would apply to the whole of the Roman Empire.

Constantine's decree from 321 permitted provincial cities to appoint Jews to the city's governing body, though it included some special dispensations. Today, this decree sheds light on the Jewish history of Cologne in late antiquity. A unique source of evidence for historical research, analysing its content offers a degree of certainty, but also uncertainty, stimulating interpretation and speculation.

This brief account will demonstrate the possibilities and limitations of this decree in terms of the conclusions it enables us to draw about Jewish life in Cologne and the Roman provinces in late antiquity. Comparing the decree to other written and archaeological sources will not only demonstrate its unique value, it will also illustrate the scarcity of existing early evidence of Jewish history and culture in the first millennium.

The decree is of fundamental importance to the "2021 - Jewish life in Germany" project. It represents the starting point for all deliberations on early Jewish history in Central Europe and, combined with existing archaeological sources from two thousand years of Cologne's city history, underpins the narrative of the MiQua in Cologne, the future LVR Jewish Museum in the city's Archaeological District. (to)

Early Judaism in central Europe

Earliest evidence in Cologne

More than half a century ago, excavations carried out by Otto Doppelfeld in 1953 and 1956 at the site of Cologne's town hall square, the town hall chapel and the former Imperial Governor's Palace (the Praetorium) revealed a synagogue and a mikveh, uncovering evidence of early Judaism in Germany. These excavations sparked wide interest in this historical period. However, today there are not many more sources available than there were half a century ago. As a result, the summaries on early Judaism written in the 1960s remain largely valid today. Current excavations confirm the picture obtained at that time: Cologne's decree from 321 represents the earliest evidence of this kind north of the Alps. Moreover, together with Worms and Speyer, Cologne has the earliest archaeological features demonstrating the existence of early Jewish life in the Kingdom of Germany: the synagogue, built in the early 11th century, and the mikveh, probably constructed around the same time. Of course, iconic Jewish buildings in the northern diaspora may have had an entirely different design to those in the Eastern Mediterranean area, where examples from as early as the 3rd century have been found. It is therefore possible that archaeologists have not yet recognized older synagogues at other locations for what they are, which may be the case in Augsburg, for example.

The archaeology of Judaism

While evidence of the existence of even earlier Jewish settlements can be found in Southern Europe, this is not the case in the northern Alpine region. It appears that Jews did settle here, but only a few written records, scattered inscriptions and small finds attest to their presence in late antiquity and the early Middle Ages. Accordingly, it is possible that Jews lived here at





the centre of society, but left few material traces behind. It is not until the beginning of the High Middle Ages (11 century) that a clearer picture of early Jewish history in Germany and France emerges.

Artifacts from late antiquity with Jewish characteristics have been found in the northern Alpine region: an oil lamp from the 4th or 5th century bearing an image of the menorah came to light during an excavation of St. Gallus in Augsburg. A Roman lead seal depicting the menorah was also discovered in Mertingen-Burghöfe and is well known as a metal detecting find.

During the rule of Emperor Valentinian I (364–375), an edict was issued in Trier banning Roman soldiers from being quartered in synagogues. Trier is also known for its artifacts showing Jewish images from the late antique period. These come from private collections and have been classed as stray finds. Three weights bearing Hebrew abbreviations for weight are known to come from such private collections. Although it is not clear precisely where they were found, they are generally associated with Trier. Unfortunately, it is no longer possible to determine their origin. In addition, there are four lead seals showing the menorah and the etrog¹, and in one case a shofar² handed down with an origin of different findspots in Trier. These objects could have come to Trier through general trade and therefore do not enable any conclusions to be drawn about the presence of a Jewish community. A less ambiguous piece of evidence is the fragment of an oil lamp also found in Trier around 400. This is a confirmed archaeological find, recovered from an archaeological excavation site at the main market in 1901. The lamp bears a palm frond on the shoulder and a menorah with a tripod base and angled

¹ The yellow citron used during Sukkot

² Ram's horn used for Jewish religious purposes

arms on the discus. A gravestone fragment from St. Maximin may show the base of a menorah.

In other areas of Roman Gaul, three further lamps decorated with Jewish imagery were found in France, in the Avignon region, in Salignac-de-Pons, and in the late-antique oppidum of Lombren near Bagnols-sur-Cèze. An image such as the menorah may well have been owned by people familiar with this image, which was relatively alien to late antique imagery and largely used in connection with Judaism. While clay lamps were a commodity, it is unlikely that they would have been purchased for their material value alone – like glass or metal – but rather for the significance of the motifs they bore.

Hebrew characters were clearly evident on a now missing oil lamp from the town of Petronell-Carnuntum near Vienna. Another clear indication of an early Jewish presence is the image of the menorah on finger rings, e.g. the ring found in Kaiseraugst, Switzerland and thought to be from the late antique period, and another found in the 19th century in Bordeaux, France, no longer traceable today. A ring is clearly a personal possession and its decorative design has a special association for the wearer.

While these artifacts may involve a degree of uncertainty, a find from the Austrian town of Halbtürn, in the Roman province of Pannonia Prima, provides relatively certain archaeological evidence of personal Jewish faith. In this town, an amulet from the 3rd century was discovered in a child's grave. The amulet consists of a silver capsule and a small gold leaf inscribed with the Shema Yisrael written in Greek letters [Συμὰ Ἰσραήλ Ἄδων [ἐ] Ἐλὼή Ἄδων [ἐ] ἄ, „Hear, O Israel! The Lord is our God, the Lord is one“]. In the text of the prayer, the mother or parents of the 18-month-old girl are seeking divine

protection for their child, who nevertheless died so young. Similar evidence is provided by an Aramaic inscription on wall plaster from Nyon in Switzerland. Moreover, an inscription, or graffiti, identified as IUDAEA was inscribed on a fragment of a plate made from non-ferrous metal or bronze picked up along with other Roman stray findings in Essen-Burgaltendorf in Germany in 1992. As the final component of a proper name, it may indicate a female Jewish owner.

Other artifacts occasionally interpreted as Jewish either come from collections of uncertain origin or should be relegated to the field of magical texts. It is no coincidence that Jewish images and symbols appeared more frequently after the use of early Christian imagery – this is likely to have been more of a reflex than any form of competition. From an economic perspective, the production and trade of objects bearing Jewish iconography presupposes a customer base. However, this raises another difficulty with existing archaeological sources: any references to the Old Testament made in craftwork from late antiquity or the Early Middle Ages could indicate either a Jewish or a Christian tradition, e.g. the representation of Noah's ark on a ring from Brumath in Alsace in France.

From the Merovingian and Carolingian period, i.e. the 5th to 10th centuries, there are few written sources providing evidence of a Jewish community in the Frankish Kingdom. However, the silk fabric from the high medieval shrine of the basilica of St Severin in Cologne is of the highest archaeological, art historical and Judaic importance. It bears secondary Sogdian inscriptions and was used to wrap the bones of bishop Severin. Coming from the Eastern Mediterranean, it is dated at some time between 680 and 890. Where it came from, how it came to Cologne and why Hebrew characters spelling a blessing

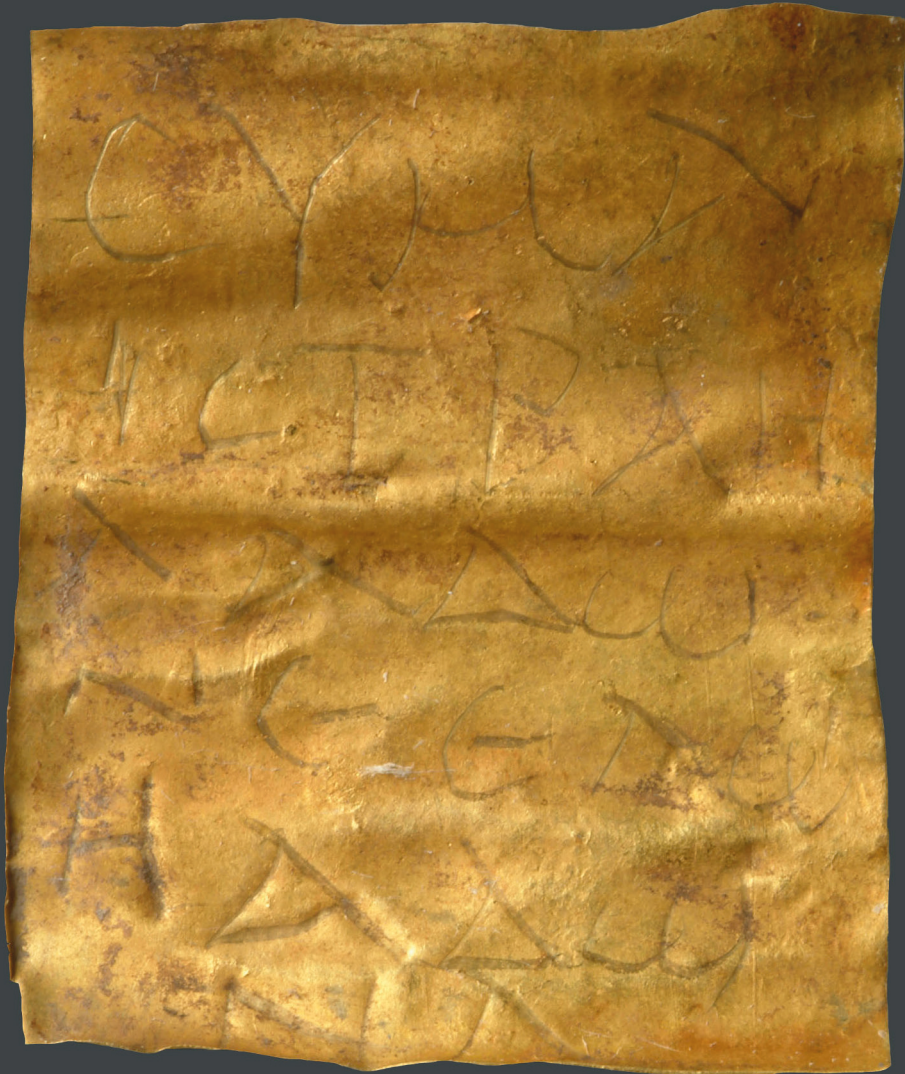


Figure 2: Amulet from the Austrian town of Halbtorn. Photograph: Gabriele Gattinger, Institute for Prehistoric and Historical Archaeology, University of Vienna.

and a name (Joseph) are attached to the fabric is unknown, though the Hebrew characters could be attributed to transportation notes written by fabric merchants. It is likely that these notes were not understood in Cologne, but were left on the valuable fabric for fear of damaging it. Such textiles were not an everyday commodity at that time.

Evaluation of archaeological artifacts and features

In isolation, these artifacts and objects cannot prove the existence of organized Jewish communities at any location in the German-speaking area in the first millennium – though this is not the case for the neighbouring areas like Pannonia to the south east, today's Hungary or France and Spain. Conclusions that can be drawn from individual artifacts are limited. The distribution map fig. 1 showing archaeological features or artifacts from early Jewish history illustrates the problem that arises from the small number of existing objects. It is not possible to draw significant inferences from individual artifacts in terms of their original context or the presence of Jews at a particular time in a particular location – as illustrated by the example of the lead seals above. This problem is compounded by the fact that dating techniques do not always provide an adequate degree of accuracy. In addition to these difficulties with sources, we cannot assume that every manufacturer, buyer and owner of objects bearing Jewish imagery in late antiquity and the early Middle Ages was familiar with iconography and motifs. Caution is therefore required in interpreting archaeological finds.

Outcome

So, what can be deduced from these meagre existing records of early Judaism from an archaeological standpoint? The status of the Jews has always been something special, but in

the ancient world they enjoyed a legal and social standing broadly equal to that of other segments of the population. However, in religious terms the Jews retained a special status. This is particularly evident in relation to duties in public office – as can be seen from the law passed in Cologne in 321. Nonetheless, Jews and Christians in antiquity shared the same cultural background. Similarities (and some differences) in visual representation are demonstrated, e.g. by the art in ancient Mediterranean catacombs and details such as the use of the phrase *hic requiescit in pace*, widely viewed as Christian, on both Christian and Jewish epitaphs. This shows the similarities between the two religions in terms of forms of expression – also reflected in the archaeological finds – and thus the difficulties in interpreting archaeological and epigraphic evidence today. Conversion from Judaism to Christianity is also likely to have occurred at the time; Simon von Metz, a bishop in late antiquity, may have been of Jewish origin. For the aspiring early Christians and the Jews, opportunities for development were not equal. Judaism was not perceived as a „mission religion“ and the early Christian communities were constantly focused on their own growth.

There are almost no archaeological features from the 4th century recognizable as early Christian churches or places of worship in the German-speaking area and the same is true for Judaism. There is no evidence of typical synagogue architecture from this early period. Perhaps, like the Christians, Jews met in repurposed private rooms, such as the *conventiculum ritus christiani*, a place of congregation for Christian rituals in Cologne in the middle of the 4th century. There are no archaeological references to a church in Cologne at this time, though worship may have been taken place in a private building. Perhaps after the prohibition of synagogue

construction described in the Theodosian Code, it was simply not possible for the Jews of late antiquity to build synagogues, regardless of their number in Roman cities (Cod. Theod. 16, 8.22). If liturgical items – most likely mobile installations made of wood – were removed from private rooms used for religious purposes or failed to be preserved, there is no way for archaeological methods today to identify these places of worship. Archaeological classification of otherwise unspecific buildings can only succeed in the rare cases where religious objects were built into the fabric of the building, such as the ancient church and synagogue at Dura Europos in Syria.

This critical description and classification of existing sources demonstrates the unique value of Constantine's Decree from 321. Surviving remains of Jewish culture in the early medieval Franconian territory remain extremely rare and, in the northern Alpine region, those that do exist are predominantly located in France. It thus remains difficult to determine the extent to which Jewish community life existed in antiquity and continued into the Middle Ages, even in the case of Cologne. This clearly demonstrates both the opportunities and the limits of archaeology as a historical science. (sr)

The Theodosian Code

Constantine's decree from 321 has survived as a duplicate in a compendium of laws called the Theodosian Code (Latin: *Codex Theodosianus*). Created between 429 and 437 on behalf of the Eastern Roman emperor Theodosius II (408–45), this compendium contains all Roman laws and imperial constitutions enacted by Constantine the Great and subsequent Roman emperors from 312, all in abbreviated form and written in Latin. This codex has been copied and re-

produced many times since the 5th century. Surviving evidence shows that the compendium was promulgated in February 438 and became legally binding for the whole Roman Empire from January 1, 439. This empire-wide validity is interesting as the separation of the Empire into the Eastern and Western Roman Empire in 395 resulted in two Roman emperors, who acted as co-legislators. Even after the fall of the Western Roman Empire in 476, the Theodosian Code remained valid north of the Alps and formed the basis for subsequent legislation. It therefore constitutes an important source of information about imperial law at that time.

The codex consists of a total of 16 books, though only books 6 to 16 survive today. Duplications of the Code date back to the 10th century, though in most cases only fragments of these remain. The only copy of the decree from 321 – in the 16th book of the Code – dates from the 6th century and is held in the Biblioteca Apostolica Vaticana in the Vatican (Cod. Reg. Lat. 886). (lc)

321 - The decree

321 was a year in an exciting period of upheaval in late antiquity, between Roman times and the Middle Ages. At that time, new principles of order and administration were established by the Roman Empire. This included collections of laws that had been enacted by a series of emperors at different times and in different places throughout the vast empire. If a community with a particular legal problem turned to the ruler for help, it could usually expect a legislative solution after a waiting period. This also proved to be the case for Cologne, with the decree being issued on December 11th. This legal text has been preserved in a copy of the Theodosian Code, a collection of different laws from the period between 312 and 437 that has been repeatedly duplicated.

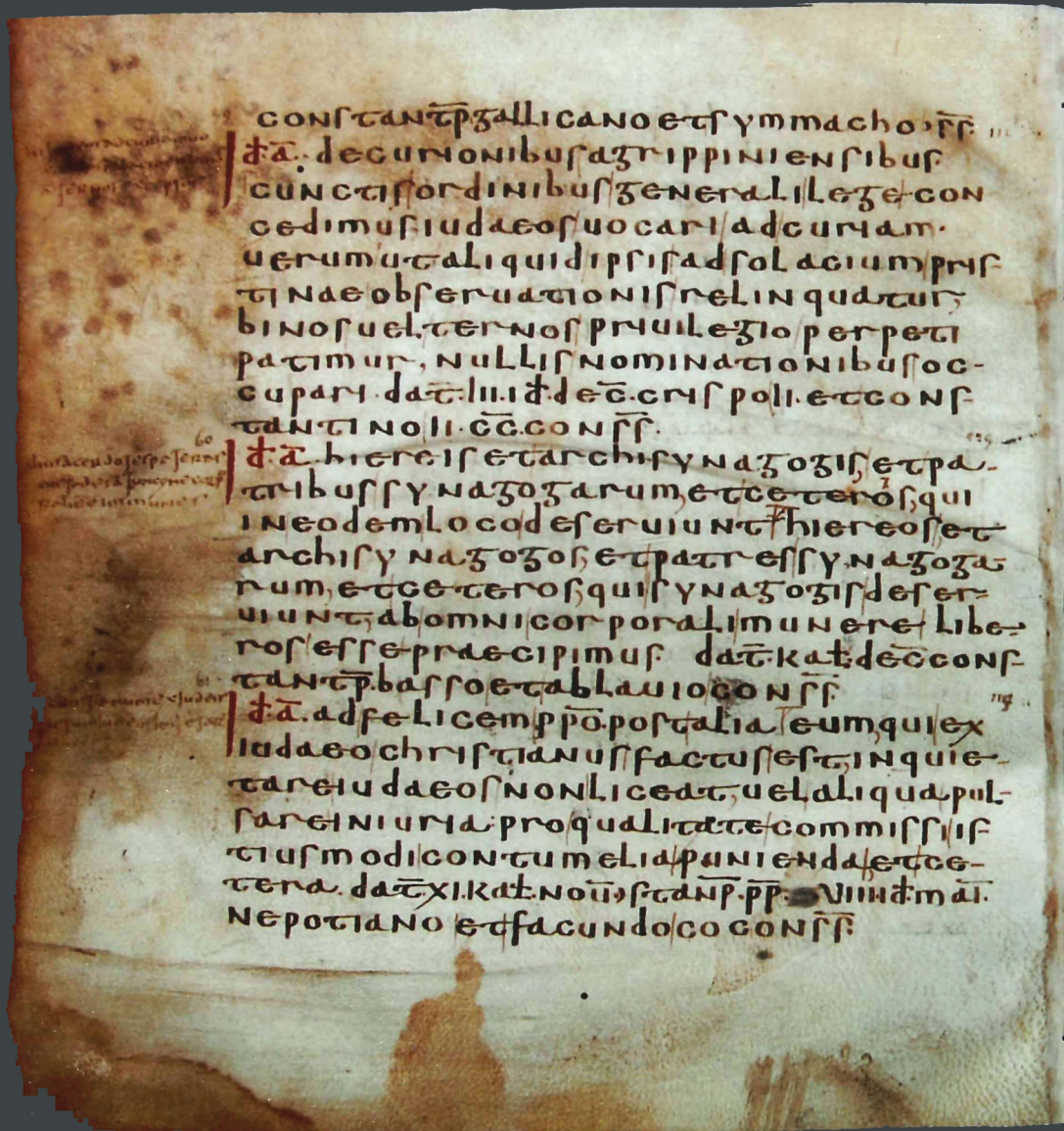


Figure 3: The decree in the Code held at the Vatican. Photograph: © Biblioteca Apostolica Vaticana. Codex Theodosianus 16, 8.3.

115 **I**mp. constantinus a de uaz rium postaliam
 quod ad mulieres per tineret quasi iudaei
 in turpitudine ipsa eduxerit et consorti
 um in zynece onofro ante uersa tasi
 placeat eadem res tui zynece adeo idq.
 in reliquum obseruare ne christiana
 mulieres suis iungant flagitiis uel si
 hoc fecerint capitali periculo subi
 genentur. data a. d. 321. constantio a. l. cons.

116 **I**mp. aetilianus c. ad thalassum p. p.
 si quis lege uenerabili constituta ex
 christiano iudaeus effectus sacrilegi
 coetibus adgregetur cum accusatio
 fuerit comprobata facultate seius
 dominio si se iussu iudicari. data v.
 noniut. med. constantio a. l. a. n. i. et iu
 liano c. a. l. cons.

117 **I**mp. p. theod. arcad. et hono. r. a. d. a. r. a. t. o.
 no p. p. iudaeorum quae rel. l. a. c. quosda
 duo contra te iudicium recipi in sec. a.
 suam neclaman tibus legi sua prima
 tibus ad se uerant quos ipsi iudicio s. u. o.
 a. c. u. o. l. u. n. t. a. t. e. p. r. o. i. c. i. u. n. t. q. u. a. m. o. m. n. i.
 nos ubi mori uidebimus iniuriam, nec eo
 tumine a superstitione sedulo coetus

The law

The letter written by Emperor Constantine to the governing body of Cologne (decurionibus Agripinienensibus) in 321 can be found in section 16, 8.3 of the copy held in the Vatican. The historian Karl Leo Noethlichs translated the text as follows:

“Through a law applying to the entire empire, we permit all city councillors to appoint Jews to the city’s governing body. To give them [the Jews] some compensation for the previous arrangement, we will allow two or three of them [...] not to be burdened with [such] appointments for perpetuity.”

Broad interpretations

This text is usually interpreted as „evidence“ for the „oldest Jewish community north of the Alps“, which is thus „verified“ in Cologne. Occasionally, it is also supposed that the law was enacted in Cologne or had a special meaning for Cologne. These interpretations imply that the Jewish community in Cologne was particularly old, large and significant. Sometimes the decree is also used to hypothesize the existence of a Jewish prayer house in Cologne in the 4th century. Until a few years ago, an additional law enacted in 330 and appearing in the Code after the decree of 321 was also associated with Cologne. This law mentions religious leaders of a Jewish community. However, according to existing evidence, this second law was neither requested by Cologne nor enacted here. It should be emphasized that such topographical attributions from or to laws could easily be mixed up during the copying process. In many cases, there is no remaining evidence associating the texts collected in the Theodosian Code with a particular place. Consequently, it remains unknown where the decree of 321 was issued.

The content

What kind of information can we derive from

the legal text if we look at it dispassionately and scientifically? Which content is sufficiently robust to allow us to draw conclusions about Jewish life in ancient Cologne? Without further speculation or additional theoretical approaches to interpret the circumstances of the law, three statements can be made:

1. Since the request for the law’s content came from Cologne, it can be concluded - under the previously described assumptions on the existing evidence - that there were Jews in Cologne at the beginning of the 320s.
2. At least one of these Jews was wealthy enough for others to be interested in appointing him to the city’s governing body, as councillors on this body were required to use their own funds to support the city. As the law applied to the entire empire, it is not possible to infer anything about the number of Jewish people in Cologne. Ultimately, the emperor added a general flavour to his answer to the request from Cologne, so that it could be applied to different circumstances throughout the empire.
3. It is reasonable to assume that every great city in the Roman Empire in late antiquity had people of Jewish faith. Thus, the law for Cologne describes the norm, rather than a special case. (sr)

2021: 1700 years of Jewish life in Germany

The decree of 321 constitutes the earliest surviving written source on the existence of Jews in Central and Northern Europe. Due to its evidentiary nature, the decree has a special value for Jewish life in Germany. It demonstrates that Jews have lived in the area now known as Germany since ancient times and have contributed

to social, cultural and scientific traditions since that time. Jews have been part of the German population, of German society and of German history for 1700 years.

2021 marks 1700 years of Jewish life in Germany and numerous events will take place to celebrate this as part of a national German-Jewish year.

The name of the '321-2021: 1700 Years of Jewish Life in Germany' association, founded to organize and run this German-Jewish year, refers to the decree's birth in year 321. With financial support from the federal government, from North Rhine-Westphalia and from the city of Cologne, the association is coordinating events and projects that will take place throughout the country in 2021.

The aim of this anniversary year is to render the diverse and vibrant Jewish life in Germany today and its 1700-year history tangible and apparent. At the same time, it will highlight the European aspect of Jewish history and culture, and place particular emphasis on the prospect of a joint future for Jewish and non-Jewish people.

The association is the central point of contact for all institutions, associations and Jewish communities that wish to shape the German-Jewish year 2021 with their own projects.

For more information, see: www.1700jahre.de, email: info@1700jahre.de

LVR and MiQua lighthouse projects in the German-Jewish year 2021

Despite the fact that the decree of 321 is viewed as an indication that Jewish people lived in most ancient cities, rather than Cologne occupying a special position, it is still of particular importance to Cologne. The city is explicitly mentioned in the context of the earliest evidence of a Jewish

community. The MiQua, the LVR Jewish Museum in the Archaeological Quarter of Cologne, is therefore organizing an exhibition focusing on the 1700-year history of Jewish life in Cologne and throughout Germany to coincide with the German-Jewish year 2021.

While the decree is the starting point for this exhibition, the "Amsterdam Machzor" will also play an important role. This is a Jewish prayer book from the 13th century, one of the oldest Hebrew illuminated manuscripts in the German-speaking world. It explicitly refers to Cologne, as it lays down the specific Cologne rite with its prayers and liturgical poems. These two sources form the centre of the Cologne exhibition, which will use predominantly written evidence to offer insights into Jewish life in Cologne from its earliest known existence in 321 through the Middle Ages and the early modern period to the present day.

The focus on written evidence is a direct consequence of the fact that the majority of existing sources on Jewish life in Germany are in written form, including the decree. At a deeper level this also highlights the value of the written word for the Jews, beyond their religion. Knowledge and education, reading and writing are essential foundations for every Jewish community member. These two levels are partly expressed by religious exhibits of great artistic value, such as the Machsor or the richly decorated Haggada by Isaac Offenbach, together with historical documents centred on the rights, obligations and living conditions of the Jews in Cologne.

A touring exhibition will be on show at various locations throughout Germany in 2021 and a larger exhibition containing the original exhibits in Cologne will mark the end of the German-Jewish year 2021.



Figure 4: The Amsterdam Machzor. Photograph: Klaus W. Schmidt

Additional programmes such as a public lecture series, a symposium and supplementary projects will contribute to making the German-Jewish year an auspicious and multifaceted time for dissemination and exchange.

The history of the Jewish people of Cologne serves as an example for the whole of Germany. The anniversary year in 2021 will play an important role in enabling people to experience 1700 years Jewish life and to understand how it forms an integral part of German history and German culture. (lc)

Impressum

Publisher:

MiQua. LVR-Jewish Museum in the
Archaeological Quarter Cologne
Gürzenich Quartier
Augustinerstraße 10–12, 50667 Köln

A contribution by the LVR as part of the project:



www.1700jahre.de

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Front cover photograph:

Decree of 321

Photograph: © Biblioteca Apostolica Vaticana.

Codex Theodosianus 16, 8.3.

Back cover photograph:

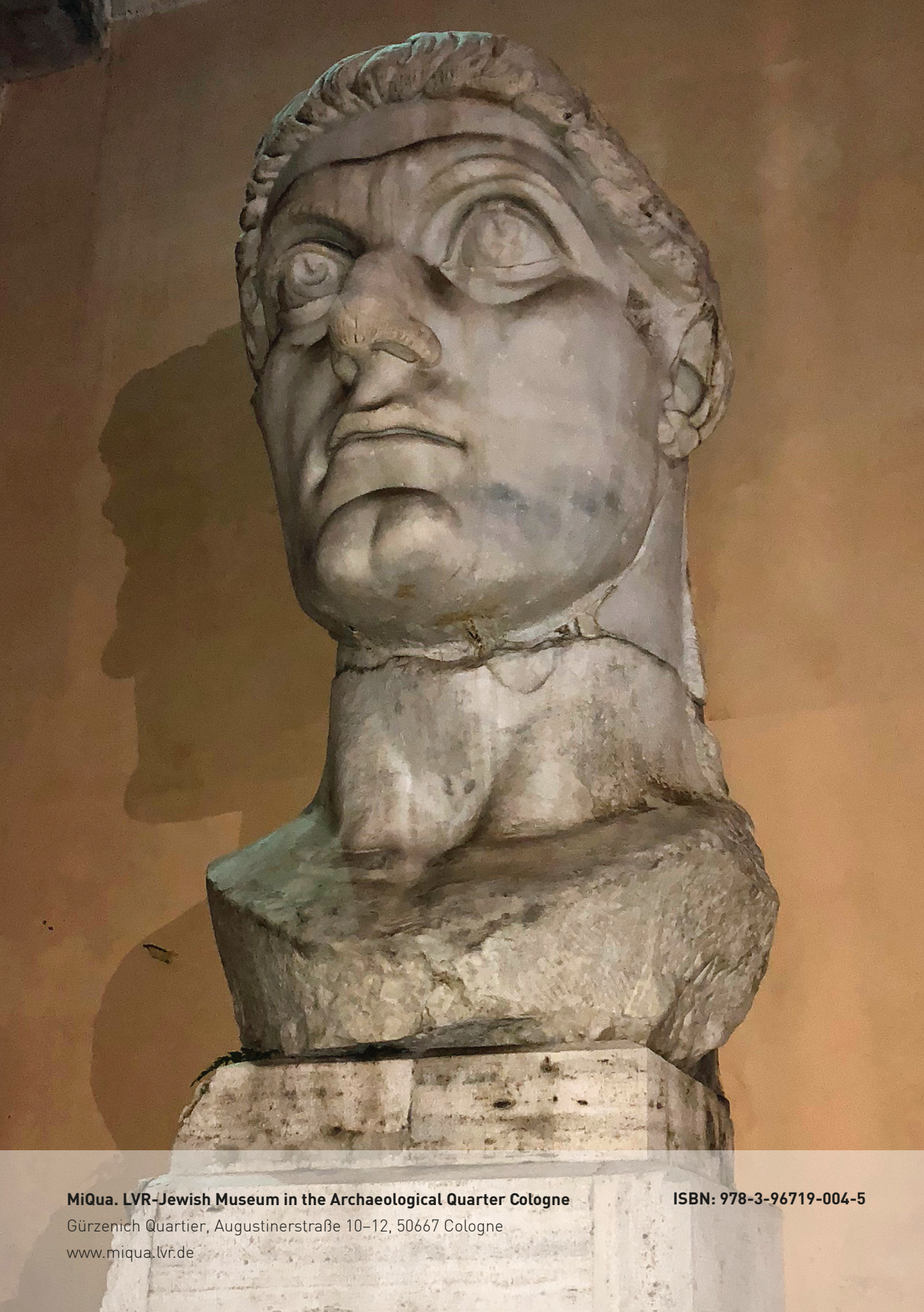
Colossal head of Emperor Constantine in the courtyard
of the Palace of Conservators in Rome

Photograph: Sebastian Ristow

Printing and layout:

LVR-Druckerei, Inklusionsabteilung Tel 0221 809-2418

ISBN: 978-3-96719-004-5



MiQua. LVR-Jewish Museum in the Archaeological Quarter Cologne

Gürzenich Quartier, Augustinerstraße 10-12, 50667 Cologne

www.miqua.lvr.de

ISBN: 978-3-96719-004-5